

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE DEPARTMENT OF **HUMAN RIGHTS**

Christine Hernandez,
Complainant,

v.

Minnesota Correctional Facility –
Oak Park Heights,
Respondent.

**ORDER TO THE DEPARTMENT OF
HUMAN RIGHTS TO PRODUCE FILE(S)
AND PROTECTIVE ORDER**

Because this matter involves some data that are not public and access to such data may be necessary for the parties to properly prepare for the hearing and present their evidence and for a decision to be made upon the necessary evidence, it is necessary to issue a Protective Order addressing the discovery and use of such data.

NOW, THEREFORE, pursuant to Minn. Stat. §§ 13.03, subd. 6 and 14.60, subd. 2, the Administrative Law Judge makes the following:

ORDER

1. Disclosure of not public data by the Department of Human Rights is permitted in the course of this matter, in accordance with the terms of this Order. Such disclosure is limited to parties, counsel of record, employees assisting counsel, and representatives and witnesses of the parties to the extent necessary to prepare and present claims and defenses in this proceeding.

2. If the Department opposes discovery of any data on the grounds that the data are classified as not public, the Department shall promptly submit the data to the Administrative Law Judge for *in camera* review pursuant to Minn. Stat. § 13.03, subd. 6.¹ The Department shall turn over all factual and investigative data regarding this matter but is not obligated to turn over attorney work product or mental impressions of the case.

3. The parties' counsel, representatives, and witnesses may not disclose any data provided pursuant to this Order to persons other than those mentioned in

¹ See *Montgomery Ward & Co. v. County of Hennepin*, 450 N.W.2d 299 (Minn. 1990); *State v. Renneke*, 563 N.W.2d 335 (Minn. Ct. App. 1997).

Paragraph No. 1 above and must return all data released pursuant to this Order to counsel for the Department at the conclusion of this matter.

4. Data provided pursuant to this Order shall not become public data by virtue of having been submitted this proceeding and shall remain not public after the conclusion of the hearing. In preparation for the hearing, the parties may refer to names of individuals involved and will have access to documents containing private information.

5. The hearing in this matter is presumed open. In all testimony, exhibits, and transcripts, the name of Complainant and any other protected parties shall be redacted and replaced by non-identifying initials or aliases. Unless the Administrative Law Judge determines that it is in the best interest of the subjects of the data, the record will not be sealed. The Administrative Law Judge's Recommendation and the Commissioner's Order shall use non-identifying initials or aliases in place of the names of any protected parties.

6. The data encompassed by this Order may be used only in this proceeding and not for any other purpose including collateral litigation, unless otherwise ordered by a court of law.

Dated this 27th day of August, 2003.

/s/ Steve M. Mihalchick
STEVE M. MIHALCHICK
Administrative Law Judge